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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 26th December, 1986/Pausa 5, 1908 (Saka)

The following Act of Parliament received the assent of the President on the 25th December, 1986, and is hereby published for general information:—

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) AMENDMENT ACT, 1986

No. 76 OF 1986

[*25th December*, 1986.]

An Act further to amend the Agricultural Produce (Grading and Marking) Act, 1937.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Agricultural Produce (Grading and Marking) Amendment Act, 1986.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

1 of 1937.

2. In section 2 of the Agricultural Produce (Grading and Marking) Act, 1937 (hereinafter referred to as the principal Act),—

(*a*) in clause (*h*), the word "and" occurring at the end shall be omitted;

(*b*) after clause (*i*), the following clause shall be inserted, namely:—

"(*j*) an article is said to be misgraded if,—

(*i*) the article is not of the quality prescribed for the grade designation with which it is marked;

(*ii*) the composition of the article offered for grading is altered in any way after a sample has been drawn for analysis and determination of the grade designation of the article in accordance with the rules made under this Act;

(*iii*) the article is tampered with in any manner; and

(*iv*) any false claim is made for the quality prescribed for its grade designation, upon the label or through advertisement or in any other manner.".

Amendment of section 3.

3. In section 3 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in the opening paragraph, for the words "make rules—", the following shall be substituted, namely:—

"make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—";

(*ii*) in clause (*f*), the word "and" occurring at the end shall be omitted;

(*iii*) after clause (*g*), the following clause shall be inserted, namely:—

"(*h*) any other matter which is required to be, or may be, prescribed.";

(*b*) sub-section (*2*) shall be re-numbered as sub-section (*3*) thereof.

Insertion of new sections 3A and 3B.

4. After section 3 of the principal Act, the following sections shall be inserted, namely:—

Pwers of entry, inspection and search.

"3A. (*1*) Any officer of the Central Government or a State Government or any authority, being an officer of a gazetted rank or of equivalent rank, authorised by the Central Government may, if he has reason to believe that any provision of this Act or the rules made thereunder has been, or is being, contravened, enter any premises at any reasonable time and make necessary inspection of, and search for, the agricultural produce in relation to which such contravention has been, or is being, made.

(*2*) Every authorisation made under sub-section (*1*) shall be deemed to be a warrant referred to in section 93 of the Code of Criminal Procedure, 1973. 2 of 1974.

Powers of the authorised officer to seize agricultural produce.

3B. (*1*) An officer authorised under sub-section (*1*) of section 3A may seize and detain any agricultural produce in relation to which an offence under this Act or the rules made thereunder is being, or appears to have been, committed, or which is intended or likely to be used in the commission of such offence:

Provided that where any agricultural produce seized under this sub-section is subject to speedy or natural decay, the officer so authorised may dispose of such produce in such manner as may be prescribed.

(*2*) The provisions of section 102 of the Code of Criminal Procedure, 1973 shall apply to every seizure made under this section.". 2 of 1974.

Amendment of section 4.

5. In section 4 of the principal Act, for the words "with fine which may extend to five hundred rupees", the words "with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees" shall be substituted.

Amendment of section 5.

6. In section 5 of the principal Act, for the words "with imprisonment which may extend to two years, or with fine, or with both", the words "with imprisonment for a term not exceeding three years and fine not exceeding five thousand rupees" shall be substituted.

Insertion of new sections 5A, 5B and 5C.

7. After section 5 of the principal Act, the following sections shall be inserted, namely:—

Penalty for selling misgraded articles.

'5A. Whoever sells any scheduled article which is misgraded shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

Power to prescribe compulsory grade designations in respect of certain articles.

5B. (*1*) Where the Central Government is of opinion that it is necessary in the public interest or for the protection of consumers that any scheduled article or class of articles shall not be sold or distributed except after such article or class of articles is marked with the grade designation mark, it may, by notification in the Official Gazette, make a declaration to that effect.

(*2*) Any notification issued under sub-section (*1*) shall specify the area or areas in relation to which the notification shall have effect.

(*3*) Where a notification under sub-section (*1*) is issued in respect of any area or areas, no person shall sell or offer to sell or distribute or offer to distribute any scheduled article or class thereof in the area or areas except in accordance with the provisions of this Act or the rules made thereunder.

(*4*) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

Institution of prosecution.

5C. No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by—

(*a*) the Central Government or the State Government or any officer authorised by it in writing; or

(*b*) the person aggrieved; or

(c) a recognised consumer association, whether the person aggrieved is a member of that association or not.

Explanation.—For the purposes of this section, "recognised consumer association" means a voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force.'. 1 of 1956.

C. RAMAN MENON,
Additional Secy. to the Govt. of India.

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